

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Mark Denison

Serial No.: 10/553,883

Filed: October 21, 2005

For: LIVE ATTENUATED NIDOVIRUS  
VACCINES

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: VBLT:038US

## EXPRESS MAIL MAILING LABEL

NUMBER EV 674811206 US

DATE OF DEPOSIT September 7, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.**  
**371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**MS PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated July 7, 2006, there are enclosed herewith:

- (a) Declaration executed on behalf of Mark Denison;
- (b) Preliminary Amendment;
- (c) Substitute Sequence Statement;
- (d) Paper Copy of Substitute Sequence;
- (e) Computer Readable Form (CRF);

09/12/2006 MKAYPAGH 00000104 10553883

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65.00 DP

- (f) Our check in the amount of \$65.00 to cover the surcharge for late filing (\$65.00);  
and
- (g) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the  
United States Designated/Elected Office (DO/EO/US).

An Assignment to Vanderbilt University and a check for \$40.00 are being filed via  
Electronic Patent Assignment System.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R.  
§§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an  
overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees  
from or to Fulbright & Jaworski Deposit Account No.: 50-1212/VBLT:038US.

Please date stamp and return the accompanying postcard to evidence receipt of these  
documents.

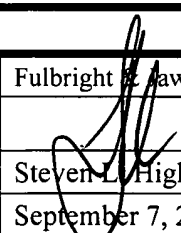
Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: September 7, 2006

<b>TRANSMITTAL FORM</b>	Application Number:	10/553,883	
	Filing Date:	October 21, 2005	
	First Named Inventor:	Mark Denison	
	Art Unit:	Unknown	
	Examiner Name:	Unknown	
Total Number of Pages in this Submission : _____		Attorney Docket Number:	VBLT:038US
<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> References _____ <input type="checkbox"/> Foreign Search Report  <input type="checkbox"/> Certified Copy of Priority Documents  <input checked="" type="checkbox"/> Reply to Missing Parts/Requirements <input checked="" type="checkbox"/> Reply to Missing Parts/Requirements <input checked="" type="checkbox"/> Declaration(s) 1 <input checked="" type="checkbox"/> Copy of Notice of Missing Parts/Requirements	<input type="checkbox"/> Drawings(s) _____  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Statement under 37 CFR §3.73(b) <input type="checkbox"/> Designation of Patent Practitioners  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Check in the amount of \$65.00 <input checked="" type="checkbox"/> Authorized to be charged to deposit account if check insufficient or inadvertently omitted Deposit account number: <u>50-1212/VBLT:038US</u> <input checked="" type="checkbox"/> Sequence Statement <input checked="" type="checkbox"/> Paper Copy of Sequence Listing <input checked="" type="checkbox"/> Computer Readable Form (CRF) <input checked="" type="checkbox"/> Postcard <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> _____	
Remarks:			
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm Name	Fulbright & Jaworski L.L.P.	Customer Number	32425
Signature			
Printed Name	Steven L. Highlander	Reg. No.	37,642
Date	September 7, 2006		

EXPRESS MAIL MAILING LABEL	
NUMBER	<u>EV 674811206 US</u>
DATE OF DEPOSIT	<u>September 7, 2006</u>



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/553,883	Mark Denison	VBLT:038US

32425  
 FULBRIGHT & JAWORSKI L.L.P.  
 600 CONGRESS AVE.  
 SUITE 2400  
 AUSTIN, TX 78701

INTERNATIONAL APPLICATION NO.	
PCT/US04/12441	
I.A. FILING DATE	PRIORITY DATE
04/22/2004	04/22/2003

CONFIRMATION NO. 1352  
 371 FORMALITIES LETTER



\*OC000000019519830\*

Date Mailed: 07/07/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/21/2005
- Copy of the International Search Report filed on 10/21/2005
- Copy of IPE Report filed on 10/21/2005
- Preliminary Amendments filed on 10/21/2005
- U.S. Basic National Fees filed on 10/21/2005
- Priority Documents filed on 10/21/2005
- Specification filed on 10/21/2005
- Claims filed on 10/21/2005
- Abstracts filed on 10/21/2005
- Drawings filed on 10/21/2005

FULBRIGHT & JAWORSKI, LLP  
 IPT DOCKETING  
 Docketed ☒ Not Req'd ☐ Confirmation ☐  
 Initials 1st *CF* Initials 2nd *JD*

JUL 14 2006

Attorney *SLH*

Docket No. *VBLT:038US*

Action Req'd

Date Due

*Missing Reports due 9/7/06*  
*Final 2/7/07*

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- **\$65 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(c) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

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Telephone: (703) 308-9140 EXT 214

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/553,883	PCT/US04/12441	VBLT:038US

FORM PCT/DO/EO/905 (371 Formalities Notice)